

State of Arizona  
Senate  
Forty-sixth Legislature  
First Regular Session  
2003

CHAPTER 260

**SENATE BILL 1075**

AN ACT

AMENDING SECTIONS 16-121.01, 16-135, 16-137, 16-142, 16-152, 16-168, 16-246, 16-441, 16-442, 16-447, 16-449, 16-513, 16-513.01, 16-542, 16-543, 16-549, 16-563, 16-579 AND 16-584, ARIZONA REVISED STATUTES; AMENDING SECTION 41-129, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2003, CHAPTER 95, SECTION 1; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-121.01, Arizona Revised Statutes, is amended  
3 effective from and after November 30, 2003, to read:

4 16-121.01. Requirements for proper registration

5 A. A person is presumed to be properly registered to vote on  
6 completion of a registration form as prescribed by section 16-152 that  
7 contains at least the name, the residence address or the location, the date  
8 of birth and the signature or other statement of the registrant as prescribed  
9 by section 16-152, subsection A, paragraph 20. BEGINNING ON DECEMBER 1,  
10 2003, THE COMPLETED REGISTRATION FORM MUST ALSO CONTAIN THE PERSON'S ARIZONA  
11 DRIVER LICENSE NUMBER, THE NONOPERATING IDENTIFICATION LICENSE NUMBER ISSUED  
12 PURSUANT TO SECTION 28-3165, THE LAST FOUR DIGITS OF THE PERSON'S SOCIAL  
13 SECURITY NUMBER OR THE UNIQUE IDENTIFYING NUMBER ASSIGNED BY THE SECRETARY  
14 OF STATE PURSUANT TO SECTION 16-168.

15 B. The presumption in subsection A of this section may be rebutted  
16 only by clear and convincing evidence of any of the following:

17 1. That the registrant is not the person whose name appears on the  
18 register.

19 2. That the registrant has not resided in this state for twenty-nine  
20 days next preceding the election or other event for which the registrant's  
21 status as properly registered is in question.

22 3. That the registrant is not properly registered at an address  
23 permitted by section 16-121.

24 4. That the registrant is not a qualified registrant under section  
25 16-101.

26 Sec. 2. Section 16-135, Arizona Revised Statutes, is amended effective  
27 from and after November 30, 2003, to read:

28 16-135. Change of residence from one address to another

29 A. An elector who is correcting the residence address shown on the  
30 elector's voter registration record shall reregister with the new residence  
31 address or correct the voter registration record as prescribed by this  
32 section.

33 B. An elector who moves from the address at which he is registered to  
34 another address within the same county and who fails to notify the county  
35 recorder of the change of address before the date of an election shall be  
36 permitted to correct the voter registration records at the appropriate  
37 polling place for the voter's new address. The voter shall present a form  
38 of identification that includes the voter's given name and surname and the  
39 voter's complete residence address that is located within the precinct for  
40 the voter's new residence address. The voter shall affirm in writing the new  
41 residence address and shall be permitted to vote a "new residence PROVISIONAL  
42 ballot".

43 C. When an elector completes voting a ~~new residence~~ PROVISIONAL  
44 ballot, the election official shall ~~remove the stub from the ballot, shall~~  
45 place the ballot in an envelope for ~~new residence~~ PROVISIONAL ballots to be

1 verified and shall deposit the envelope in the ballot box DESIGNATED FOR  
2 PROVISIONAL BALLOTS.

3 D. WITHIN TEN CALENDAR DAYS AFTER A GENERAL ELECTION THAT INCLUDES AN  
4 ELECTION FOR A FEDERAL OFFICE AND within five business days after the ANY  
5 OTHER election, a ~~new-residence~~ PROVISIONAL ballot shall be compared to the  
6 signature roster for the precinct in which the voter was listed and if the  
7 voter's signature does not appear on the signature roster for that election  
8 and if there is no record of that voter having voted early for that election,  
9 the ~~new-residence~~ PROVISIONAL ballot shall be counted. If the signature  
10 roster or early ballot information indicates that the person did vote in that  
11 election, the ~~new-residence~~ PROVISIONAL ballot for that person shall remain  
12 unopened and shall not be counted.

13 E. An elector may also correct the residence address on the elector's  
14 voter registration record by requesting the address change on a written  
15 request for an early ballot that is submitted pursuant to section 16-542 and  
16 that contains all of the following:

- 17 1. A request to change the voter registration record.
- 18 2. The elector's new residence address.
- 19 3. An affirmation that the information is true and correct.
- 20 4. The elector's signature.

21 Sec. 3. Section 16-137, Arizona Revised Statutes, is amended effective  
22 from and after November 30, 2003, to read:

23 16-137. Change of name

24 An elector desiring to register under a new name, resulting either from  
25 a court order or marriage, shall reregister and shall state on the new  
26 affidavit of registration the elector's former legal name. An elector may  
27 also correct the voter registration record by providing the new name while  
28 voting a PROVISIONAL ballot ~~to be verified~~ pursuant to section 16-584 at the  
29 appropriate polling place.

30 Sec. 4. Section 16-142, Arizona Revised Statutes, is amended effective  
31 from and after November 30, 2003, to read:

32 16-142. Secretary of state; national voter registration act;  
33 uniformed and overseas citizens; voter fraud hotline

34 A. The secretary of state or the secretary's designee is:

35 1. The chief state election officer who is responsible for  
36 coordination of state responsibilities under the national voter registration  
37 act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States Code section 394)  
38 AND UNDER THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (42 UNITED  
39 STATES CODE SECTION 1973).

40 2. RESPONSIBLE FOR PROVIDING INFORMATION ON REGISTRATION AND ABSENTEE  
41 OR EARLY BALLOT PROCEDURES TO ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS  
42 VOTERS WHO WISH TO REGISTER TO VOTE OR VOTE IN ANY JURISDICTION IN THIS  
43 STATE.

44 B. NOT LATER THAN NINETY DAYS AFTER THE DATE OF EACH REGULARLY  
45 SCHEDULED GENERAL ELECTION AT WHICH AN ELECTION IS HELD FOR FEDERAL OFFICE,

1 THE SECRETARY OF STATE SHALL SUBMIT A REPORT TO THE ELECTION ASSISTANCE  
2 COMMISSION ESTABLISHED PURSUANT TO THE HELP AMERICA VOTE ACT OF 2002 (P.L.  
3 107-252) THAT INCLUDES INFORMATION ON THE NUMBER OF BALLOTS TRANSMITTED TO  
4 ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS AND THE NUMBER OF  
5 BALLOTS RETURNED AND CAST IN THE ELECTION. THE SECRETARY OF STATE SHALL  
6 PREPARE THE REPORT IN COOPERATION AND IN CONJUNCTION WITH THE COUNTY  
7 RECORDERS AND COUNTY OFFICERS IN CHARGE OF ELECTIONS. THE REPORT SHALL BE  
8 MADE AVAILABLE TO THE PUBLIC.

9 C. THE SECRETARY OF STATE SHALL PROVIDE FOR A TOLL FREE TELEPHONE  
10 NUMBER FOR THE USE OF THE PUBLIC TO REPORT INCIDENTS OF VOTER FRAUD. TO THE  
11 EXTENT PERMITTED BY FEDERAL LAW, THE SECRETARY OF STATE MAY USE MONIES  
12 RECEIVED FROM THE UNITED STATES GOVERNMENT PURSUANT TO THE HELP AMERICA VOTE  
13 ACT OF 2002 (P.L. 107-252) TO ESTABLISH, STAFF AND MAINTAIN THE TOLL FREE  
14 TELEPHONE NUMBER AND MAY ALSO USE THOSE MONIES TO DEFRAY THE COSTS OF ANY  
15 INVESTIGATIONS ARISING FROM ANY REPORTS RECEIVED ON THE TOLL FREE TELEPHONE  
16 NUMBER.

17 Sec. 5. Section 16-152, Arizona Revised Statutes, is amended effective  
18 from and after November 30, 2003, to read:

19 16-152. Registration form

20 A. The form used for the registration of electors shall contain:

- 21 1. The date the registrant signed the form.
- 22 2. The given name of the registrant, middle name, if any, and surname.
- 23 3. Complete address of actual place of residence, including street  
24 name and number, apartment or space number, city or town and zip code, or  
25 such description of the location of the residence that it can be readily  
26 ascertained or identified.
- 27 4. Complete mailing address, if different from residence address,  
28 including post office address, city or town, zip code or other designation  
29 used by the registrant for receiving mail.
- 30 5. Party preference.
- 31 6. Telephone number, unless unlisted.
- 32 7. State or country of birth.
- 33 8. Date of birth.
- 34 9. Occupation.
- 35 10. Indian census number (optional to registrant).
- 36 11. Father's name or mother's maiden name.
- 37 12. BEGINNING ON DECEMBER 1, 2003, ONE OF THE FOLLOWING IDENTIFIERS FOR  
38 EACH REGISTRANT:

39 (a) THE ARIZONA DRIVER LICENSE NUMBER OF THE REGISTRANT OR  
40 NONOPERATING IDENTIFICATION LICENSE NUMBER OF THE REGISTRANT THAT IS ISSUED  
41 PURSUANT TO SECTION 28-3165, IF THE LICENSE IS CURRENT AND VALID.

42 (b) IF THE REGISTRANT DOES NOT HAVE A CURRENT AND VALID ARIZONA DRIVER  
43 LICENSE OR NONOPERATING IDENTIFICATION LICENSE, the last four digits of the  
44 registrant's social security number ~~(optional to registrant)~~.

1 (c) IF THE REGISTRANT DOES NOT HAVE A CURRENT AND VALID ARIZONA DRIVER  
2 LICENSE OR NONOPERATING IDENTIFICATION LICENSE OR A SOCIAL SECURITY NUMBER,  
3 A UNIQUE IDENTIFYING NUMBER CONSISTING OF THE REGISTRANT'S UNIQUE  
4 IDENTIFICATION NUMBER ASSIGNED BY THE SECRETARY OF STATE IN THE STATEWIDE  
5 ELECTRONIC VOTER REGISTRATION DATABASE.

6 13. A statement as to whether or not the registrant is currently  
7 registered in another state, county or precinct, and if so, the name,  
8 address, county and state of previous registration.

9 14. ~~A statement that~~ THE QUESTION TO the registrant is "ARE YOU a  
10 citizen of the United States OF AMERICA?", APPROPRIATE BOXES FOR THE  
11 REGISTRANT TO CHECK "YES" OR "NO" AND THE STATEMENT "IF YOU CHECKED "NO" IN  
12 RESPONSE TO THIS QUESTION, DO NOT COMPLETE THIS FORM".

13 15. ~~A statement that~~ THE QUESTION TO the registrant "Will YOU be  
14 eighteen years of age on or before the ~~date of the next general~~ election  
15 DAY?", APPROPRIATE BOXES FOR THE REGISTRANT TO CHECK "YES" OR "NO" AND THE  
16 STATEMENT "IF YOU CHECKED "NO" IN RESPONSE TO THIS QUESTION, DO NOT COMPLETE  
17 THIS FORM".

18 16. A statement that the registrant has not been convicted of treason  
19 or a felony, or if so, that the registrant's civil rights have been restored.

20 17. A statement that the registrant is a resident of this state and of  
21 the county in which the registrant is registering.

22 18. A statement that executing a false registration is a class 6  
23 felony.

24 19. The signature of the registrant.

25 20. If the registrant is unable to sign the form, a statement that the  
26 affidavit was completed according to the registrant's direction.

27 21. A statement that if an applicant declines to register to vote, the  
28 fact that the applicant has declined to register will remain confidential and  
29 will be used only for voter registration purposes.

30 22. A statement that if an applicant does register to vote, the office  
31 at which the applicant submits a voter registration application will remain  
32 confidential and will be used only for voter registration purposes.

33 B. A duplicate voter receipt shall be provided with the form that  
34 provides space for the name, street address and city of residence of the  
35 applicant, party preference and the date of signing. The voter receipt is  
36 evidence of valid registration for the purpose of casting a PROVISIONAL  
37 ballot ~~to be verified~~ as prescribed in section 16-584, subsection B.

38 C. The state voter registration form shall be printed in a form  
39 prescribed by the secretary of state.

40 D. The county recorder may establish procedures to verify whether a  
41 registrant has successfully petitioned the court for an injunction against  
42 harassment pursuant to section 12-1809 or an order of protection pursuant to  
43 section 12-1810 or 13-3602 and, if verified, to protect the registrant's  
44 residence address, telephone number or voting precinct number, if  
45 appropriate, from public disclosure.

1       Sec. 6. Section 16-168, Arizona Revised Statutes, is amended effective  
2 from and after November 30, 2003, to read:

3       16-168. Precinct registers; date of preparation; contents;  
4               copies; reports; statewide database; violation;  
5               classification

6       A. By the tenth day preceding the primary and general elections the  
7 county recorder shall prepare from the original registration forms or from  
8 electronic media at least four lists that are printed or typed on paper of  
9 all qualified electors in each precinct in the county, and such lists shall  
10 be the official precinct registers.

11       B. The official precinct registers for use at the polling place shall  
12 contain at least the names in full, party preference, date of registration  
13 and residence address of each qualified elector in the respective precincts.

14       Such names shall be in alphabetical order and, in a column to the left of  
15 the names, such names shall be numbered consecutively beginning with number  
16 1 in each precinct register.

17       C. For purposes of transmitting voter registration information as  
18 prescribed by this subsection, computer generated disks or computer software  
19 with at least six hundred forty megabytes of storage in counties with a  
20 population over five hundred thousand in the last decennial census shall be  
21 the principal media. A county or state chairman who is eligible to receive  
22 copies of precinct registers as prescribed by this subsection may request  
23 that the recorder provide a paper copy of the precinct registers. The county  
24 recorder shall, in addition to preparing the official precinct registers,  
25 provide a means for mechanically or electronically reproducing the precinct  
26 registers and shall unless otherwise agreed deliver within eight days after  
27 the close of registration for the primary and general elections, without  
28 charge, on the same day one electronic media copy of each precinct register  
29 within the county to the county chairman and one electronic media copy to the  
30 state chairman of each party which has at least four candidates other than  
31 presidential electors appearing upon the ballot in that county at the current  
32 election. The county recorder shall also, upon request and without charge,  
33 deliver one electronic media copy of the precinct register to the Arizona  
34 legislative council. The county recorder of a county with a population of  
35 fewer than four hundred thousand persons shall, on the same day precinct  
36 registers are delivered to county chairmen, SHALL deliver one electronic  
37 media copy of each precinct register within the county to the state chairman  
38 of each party which has at least four candidates other than presidential  
39 electors appearing on the ballot in this state at the current election. The  
40 copies of the precinct registers shall be on magnetic computer disks or  
41 computer software with at least six hundred forty megabytes of storage which  
42 shall include for each elector the following information:

- 1           1. Name in full and appropriate title.
- 2           2. Party preference.
- 3           3. Date of registration.
- 4           4. Residence address.
- 5           5. Mailing address, if different from residence address.
- 6           6. Zip code.
- 7           7. Telephone number if given.
- 8           8. Birth year.
- 9           9. Occupation.
- 10          10. Primary election and general election voting history for the prior
- 11          four years and any other information regarding registered voters which the
- 12          county recorder or city or town clerk maintains on magnetic computer disks
- 13          or computer software and which is public information.

14           D. The names on the precinct registers shall be in alphabetical order

15          and the precinct registers in their entirety shall unless otherwise agreed

16          be delivered to each county chairman and each state chairman at least

17          quarterly and within ten business days of the close of each quarter in the

18          same format and media as prescribed by subsection C of this section.

19           E. Precinct registers and other lists and information derived from

20          registration forms may be used only for purposes relating to a political or

21          political party activity, a political campaign or an election, for revising

22          election district boundaries or for any other purpose specifically authorized

23          by law and may not be used for a commercial purpose as defined in section

24          39-121.03. The sale of registers, lists and information derived from

25          registration forms to a candidate or a registered political committee for a

26          use specifically authorized by this subsection does not constitute use for

27          a commercial purpose. The county recorder, on a request for an authorized

28          use and within thirty days from receipt of the request, shall prepare

29          additional copies of an official precinct register and furnish them to any

30          person requesting them on payment of a fee equal to five cents for each name

31          appearing on the register for a printed list and ten cents for each name for

32          an electronic data medium, plus the cost of the blank computer disk or

33          computer software if furnished by the recorder, for each copy so furnished.

34           F. Any person in possession of a precinct register, in whole or part,

35          or any reproduction of a precinct register, shall not permit such THE

36          register to be used, bought, sold or otherwise transferred for any purpose

37          except for uses otherwise authorized by this section. A person in possession

38          of information derived from voter registration forms or precinct registers

39          shall not distribute, post or otherwise provide access to any portion of that

40          information through the internet except as authorized by subsection J of this

41          section. Nothing in this section shall preclude public inspection of voter

42          registration records at the office of the county recorder for the purposes

43          prescribed by this section, except that the month and day of birth date, the

44          social security number or any portion thereof, THE DRIVER LICENSE NUMBER OR

45          NONOPERATING IDENTIFICATION LICENSE NUMBER, THE UNIQUE IDENTIFYING NUMBER

1 PRESCRIBED BY THIS SECTION, the Indian census number, the father's name or  
2 mother's maiden name, the state or country of birth and the records  
3 containing a voter's signature shall not be accessible or reproduced by any  
4 person other than the voter, by an authorized government official in the  
5 scope of the official's duties, for signature verification on petitions and  
6 candidate filings, for election purposes, AND for news gathering purposes  
7 by a person engaged in newspaper, radio, television or reportorial work, or  
8 connected with or employed by a newspaper, radio or television station or  
9 pursuant to a court order. Any person violating this subsection or  
10 subsection E of this section is guilty of a class 6 felony.

11 G. The county recorder shall count the registered voters by political  
12 party by precinct, legislative district and congressional district as  
13 follows:

14 1. In even numbered years, the county recorder shall count all persons  
15 who are registered to vote as of:

16 (a) January 1.

17 (b) March 1.

18 (c) The last day on which a person may register to be eligible to vote  
19 in the next primary election.

20 (d) The last day on which a person may register to be eligible to vote  
21 in the next general election.

22 (e) The last day on which a person may register to be eligible to vote  
23 in the next presidential preference election.

24 2. In odd numbered years, the county recorder shall count all persons  
25 who are registered to vote as of:

26 (a) January 1.

27 (b) April 1.

28 (c) July 1.

29 (d) October 1.

30 H. The county recorder shall report the totals to the secretary of  
31 state as soon as is practicable following each of the dates prescribed in  
32 subsection G of this section. The report shall include completed  
33 registration forms returned in accordance with section 16-134, subsection B.  
34 The county recorder shall also provide the report in a uniform electronic  
35 computer media format that shall be agreed upon between the secretary of  
36 state and all county recorders. The secretary of state shall then prepare  
37 a summary report for the state and shall maintain that report as a permanent  
38 record.

39 I. UNTIL THE STATEWIDE VOTER REGISTRATION DATABASE IS IMPLEMENTED AND  
40 OPERATIONAL AS PRESCRIBED BY SUBSECTION K OF THIS SECTION, the county  
41 recorder shall provide to the secretary of state a list of registered voters  
42 in the county, including the voter's name, date of birth and state of birth  
43 along with the count of registered voters pursuant to subsection G of this  
44 section. The list of registered voters is a public record, EXCEPT AS  
45 PRESCRIBED BY SUBSECTION F OF THIS SECTION, and shall be in a format agreed



upon between the secretary of state and each county recorder. The list shall be labeled to show that it is not an official listing of registered voters. The secretary of state shall compare the lists to identify persons registered in more than one county. If a person is registered in more than one county, the secretary of state shall notify, within fifteen days after receipt of the list, the county recorder in each county in which the person is registered except the county recorder in the county in which the person registered last. The notice shall include the date of the person's latest registration. After receiving this notice the county recorder shall cancel the person's registration as of the date of the newest registration and notify the person of the cancellation at the address provided by the secretary of state from the county of the latest registration.

J. The county recorder shall protect access to voter registration information in an auditable format and method specified in the secretary of state's electronic voting system instructions and procedures manual that is adopted pursuant to section 16-452.

K. THE SECRETARY OF STATE SHALL DEVELOP AND ADMINISTER A STATEWIDE DATABASE OF VOTER REGISTRATION INFORMATION THAT CONTAINS THE NAME AND REGISTRATION INFORMATION OF EVERY REGISTERED VOTER IN THIS STATE. THE DATABASE SHALL INCLUDE AN IDENTIFIER THAT IS UNIQUE FOR EACH INDIVIDUAL VOTER. THE DATABASE SHALL PROVIDE FOR ACCESS BY VOTER REGISTRATION OFFICIALS AND SHALL ALLOW EXPEDITED ENTRY OF VOTER REGISTRATION INFORMATION AFTER IT IS RECEIVED BY COUNTY RECORDERS. THE SECRETARY OF STATE SHALL PROVIDE FOR MAINTENANCE OF THE DATABASE, INCLUDING PROVISIONS REGARDING REMOVAL OF INELIGIBLE VOTERS THAT ARE CONSISTENT WITH THE NATIONAL VOTER REGISTRATION ACT OF 1993 (42 UNITED STATES CODE SECTION 394) AND THE HELP AMERICA VOTE ACT OF 2002 (P.L. 107-252), PROVISIONS REGARDING REMOVAL OF DUPLICATE REGISTRATIONS AND PROVISIONS TO ENSURE THAT ELIGIBLE VOTERS ARE NOT REMOVED IN ERROR.

L. FOR REQUESTS FOR THE USE OF REGISTRATION FORMS AND ACCESS TO INFORMATION AS PROVIDED IN SUBSECTIONS E AND F OF THIS SECTION, THE FOLLOWING APPLY:

1. THE SECRETARY OF STATE SHALL RECEIVE AND RESPOND TO REQUESTS REGARDING STATEWIDE AND FEDERAL ELECTIONS.

2. THE COUNTY RECORDER SHALL RECEIVE AND RESPOND TO REQUESTS REGARDING ALL OTHER ELECTIONS.

Sec. 7. Section 16-246, Arizona Revised Statutes, is amended effective from and after November 30, 2003, to read:

16-246. Early balloting; satellite locations; additional procedures

A. Within ninety days preceding the Saturday before the presidential preference election and not later than 5:00 p.m. on the Friday preceding the election, any elector who is eligible to vote in the presidential preference election may make a verbal or signed, written request for an official early ballot to the county recorder or other officer in charge of elections for the

1 county in which the elector is registered to vote. If the request is verbal,  
2 the requesting elector shall provide the date of birth and birthplace or  
3 other information that if compared to the voter registration records for that  
4 elector would confirm the identity of the elector.

5 B. Absent uniformed services voters or overseas voters who are  
6 otherwise eligible to vote in the election may vote as prescribed by sections  
7 16-543, 16-543.01 and 16-543.02. The list of candidates that is sent as  
8 prescribed by section 16-543.01 shall be a list of all candidates who have  
9 qualified for the presidential preference ballot by the thirty-sixth day  
10 before the presidential preference election.

11 C. The county recorder may establish on-site early voting locations  
12 at the office of the county recorder or at other locations in the county  
13 deemed necessary or appropriate by the recorder. Early voting shall begin  
14 fifteen days before the presidential preference election and shall end on the  
15 Friday before the presidential preference election.

16 D. The county recorder shall send by first class mail with the  
17 endorsement "do not forward - address correction requested" any early ballots  
18 that are requested pursuant to subsections A and B of this section and shall  
19 include a preaddressed envelope for the elector to return the completed  
20 ballot.

21 E. The county recorder shall provide to each election board an  
22 appropriate alphabetized list of voters who have requested and have been sent  
23 an early ballot. Any person who is on that list of voters and who was sent  
24 an early ballot shall not vote at the polling place for that election  
25 precinct except as prescribed by section 16-579, subsection B-C.

26 F. The county recorder may provide for any of the following in the  
27 same manner prescribed by law for other elections:

28 1. Special election boards.

29 2. Emergency balloting for persons who experience an emergency after  
30 5:00 p.m. on the Friday preceding the presidential preference election and  
31 before 5:00 p.m. on the Monday immediately preceding the presidential  
32 preference election.

33 G. Sections 16-550, 16-551 and 16-552 govern the use of early  
34 balloting for the presidential preference election.

35 Sec. 8. Section 16-441, Arizona Revised Statutes, is amended effective  
36 from and after November 30, 2003, to read:

37 16-441. Effective date of article; approval of counting  
38 equipment

39 ~~This article applies only in counties in which the board of supervisors~~  
40 ~~provides, by resolution, that it shall apply, and Provisions of this article~~  
41 ~~shall become effective and operative when electronic or electromechanical~~  
42 ~~vote recording and ballot counting equipment has been satisfactorily tested~~  
43 ~~and has received the approval of the secretary of state.~~

1       Sec. 9. Section 16-442, Arizona Revised Statutes, is amended effective  
2 from and after November 30, 2003, to read:

3       16-442. Committee approval; adoption of vote tabulating  
4               equipment; experimental use

5       A. The secretary of state shall appoint a committee of three persons,  
6 to consist of a member of the engineering college at one of the universities,  
7 a member of the state bar of Arizona and one person familiar with voting  
8 processes in the state, no more than two of whom shall be of the same  
9 political party, who shall investigate and test the various types of vote  
10 recording or tabulating machines or devices which may be used under the  
11 provisions of this article. They shall submit their recommendations to the  
12 secretary of state who shall make final adoption of the type or types, make  
13 or makes, model or models to be used CERTIFIED FOR USE IN THIS STATE. The  
14 committee shall serve without compensation.

15       B. ON COMPLETION OF ACQUISITION OF MACHINES OR DEVICES THAT COMPLY  
16 WITH THE HELP AMERICA VOTE ACT OF 2002 (P.L. 107-252), MACHINES OR DEVICES  
17 USED AT ANY ELECTION FOR FEDERAL, STATE OR COUNTY OFFICES MAY ONLY BE  
18 CERTIFIED FOR USE IN THIS STATE AND MAY ONLY BE USED IN THIS STATE IF THEY  
19 COMPLY WITH THE HELP AMERICA VOTE ACT OF 2002 AND IF THOSE MACHINES OR  
20 DEVICES HAVE BEEN TESTED AND APPROVED BY A LABORATORY THAT IS ACCREDITED  
21 PURSUANT TO THE HELP AMERICA VOTE ACT OF 2002.

22       C. AFTER CONSULTATION WITH THE COMMITTEE PRESCRIBED BY SUBSECTION A,  
23 THE SECRETARY OF STATE SHALL ADOPT STANDARDS THAT SPECIFY THE CRITERIA FOR  
24 LOSS OF CERTIFICATION FOR EQUIPMENT USED AT ANY ELECTION FOR FEDERAL, STATE  
25 OR COUNTY OFFICES AND THAT WAS PREVIOUSLY CERTIFIED FOR USE IN THIS STATE.  
26 ON LOSS OF CERTIFICATION, MACHINES OR DEVICES USED AT ANY ELECTION MAY NOT  
27 BE USED FOR ANY ELECTION FOR FEDERAL, STATE OR COUNTY OFFICES IN THIS STATE  
28 UNLESS RECERTIFIED FOR USE IN THIS STATE.

29       ~~B. D. The board of supervisors of a county, or The governing body of~~  
30 ~~a city or town, or the council~~ BOARD OF DIRECTORS of an agricultural  
31 improvement district may adopt for use in elections any kind of electronic  
32 voting system or vote tabulating device approved by the secretary of state,  
33 and thereupon the voting or marking device and vote tabulating equipment may  
34 be used at any or all elections for voting, recording and counting votes cast  
35 at election.

36       ~~C. E. The governing body may provide for the experimental use of vote~~  
37 ~~tabulating equipment without a final adoption thereof, and its use at the~~  
38 ~~election is as valid as if the machines had been permanently adopted.~~

39       Sec. 10. Section 16-447, Arizona Revised Statutes, is amended  
40 effective from and after November 30, 2003, to read:

41       16-447. Voting devices; inspection; specifications and number  
42               of booths

43       ~~A. If an electronic voting system is in use in a regular primary~~  
44 ~~election held for federal, state or county offices, the board of supervisors~~  
45 ~~or other authority in charge of elections shall provide each polling place~~

1 ~~with at least two voting devices for each of the two political parties which~~  
2 ~~cast the highest number of votes in this state at the last preceding general~~  
3 ~~election. Two voting devices for each political party as provided in this~~  
4 ~~subsection is the minimum number of voting devices required for two hundred~~  
5 ~~fifty registered electors, and one additional voting device shall be provided~~  
6 ~~for each additional one hundred twenty registered electors, or fraction in~~  
7 ~~excess of such number of electors, except that for precincts with fewer than~~  
8 ~~one hundred registered electors the board of supervisors may provide~~  
9 ~~sufficient additional supplies, including repair parts, instead of a second~~  
10 ~~voting device.~~

11 ~~B. In a regular general election held for federal, state or county~~  
12 ~~offices the board of supervisors or other authority in charge of elections~~  
13 ~~shall provide at least two voting devices for two hundred fifty registered~~  
14 ~~electors, and one additional voting device shall be provided for each~~  
15 ~~additional one hundred twenty registered electors, or fraction in excess of~~  
16 ~~such number of electors, except that for precincts with fewer than one~~  
17 ~~hundred registered electors the board of supervisors may provide sufficient~~  
18 ~~additional supplies, including repair parts, instead of a second voting~~  
19 ~~device.~~

20 A. BEGINNING ON JANUARY 1, 2006, THE BOARD OF SUPERVISORS SHALL  
21 PROVIDE AT EACH POLLING PLACE AT LEAST ONE DEVICE THAT COMPLIES WITH THE HELP  
22 AMERICA VOTE ACT OF 2002 (P.L. 107-252) AND THAT IS CERTIFIED BY THE  
23 SECRETARY OF STATE FOR USE BY VOTERS WITH DISABILITIES.

24 ~~C. B. Prior to any election at which electronic voting devices are~~  
25 ~~used, the board of supervisors or other authority in charge of elections~~  
26 ~~shall have the voting devices prepared for the election and shall mail a~~  
27 ~~notice to the chairmen of the county committees of the different political~~  
28 ~~parties, stating when and where the voting devices may be inspected before~~  
29 ~~they are sealed and delivered to the polling places.~~

30 ~~D. C. The board of supervisors or other authority in charge of~~  
31 ~~elections shall have delivered to each polling place a sufficient number of~~  
32 ~~voting booths and voting or marking devices. The voting booths shall be~~  
33 ~~durably constructed and shall be of sufficient size and so designed as to~~  
34 ~~enable the voter to mark his ballot in secrecy.~~

35 ~~E. D. In any election other than the biennial primary and general~~  
36 ~~elections, the election officer in charge of the election shall determine the~~  
37 ~~number of voting devices to be used.~~

38 Sec. 11. Section 16-449, Arizona Revised Statutes, is amended  
39 effective from and after November 30, 2003, to read:

40 16-449. Required test of equipment and programs; notice;  
41 procedures manual

42 A. Within seven days prior to the election day, the board of  
43 supervisors or other election officer in charge, or for an election involving  
44 state or federal candidates, the secretary of state, shall have the automatic  
45 tabulating equipment and programs tested to ascertain that the equipment and

1 programs will correctly count the votes cast for all offices and on all  
 2 measures. Public notice of the time and place of the test shall be given at  
 3 least forty-eight hours prior thereto by publication once in one or more  
 4 daily or weekly newspapers published in the town, city or village using such  
 5 equipment, if a newspaper is published therein, otherwise in a newspaper of  
 6 general circulation therein. The test shall be observed by at least two  
 7 election inspectors, who shall not be of the same political party, and shall  
 8 be open to representatives of the political parties, candidates, the press  
 9 and the public. The test shall be conducted by processing a preaudited group  
 10 of ballots so punched or marked as to record a predetermined number of valid  
 11 votes for each candidate and on each measure and shall include for each  
 12 office one or more ballots which have votes in excess of the number allowed  
 13 by law in order to test the ability of the automatic tabulating equipment and  
 14 programs to reject such votes. If any error is detected, the cause therefor  
 15 shall be ascertained and corrected and an errorless count shall be made  
 16 before the automatic tabulating equipment and programs are approved. A copy  
 17 of a revised program shall be filed with the secretary of state within  
 18 forty-eight hours after the revision is made. If the error was created by  
 19 automatic tabulating equipment malfunction, a report shall be filed with the  
 20 secretary of state within forty-eight hours after the correction is made,  
 21 stating the cause and the corrective action taken. The test shall be  
 22 repeated immediately before the start of the official count of the ballots  
 23 in the same manner as set forth above. After the completion of the count,  
 24 the programs used and the ballots shall be sealed, retained and disposed of  
 25 as provided for paper ballots.

26 B. Electronic ballot tabulating systems shall be tested for logic and  
 27 accuracy WITHIN SEVEN DAYS BEFORE THEIR USE FOR EARLY BALLOTING pursuant to  
 28 the instructions and procedures manual for electronic voting systems that is  
 29 adopted by the secretary of state as prescribed by section 16-452. The  
 30 instructions and procedures manual shall include procedures for the handling  
 31 of ballots, the electronic scanning of ballots and any other matters  
 32 necessary to ensure the maximum degree of correctness, impartiality and  
 33 uniformity in the administration of an electronic ballot tabulating system.

34 Sec. 12. Section 16-513, Arizona Revised Statutes, is amended  
 35 effective from and after November 30, 2003, to read:

36 16-513. Instructions for voters and election officers

37 A. The board of supervisors shall prepare the following instructions  
 38 for the guidance of voters and election officers at the election, according  
 39 to which the election shall be conducted and which shall govern the voters  
 40 and election officers: AS PROVIDED IN THE SECRETARY OF STATE'S PROCEDURES  
 41 MANUAL.

42 Instructions to Voters and Election Officers

43 ~~1. On entering the polls each voter shall give his name in full and~~  
 44 ~~his place of residence to the election officer in charge of the signature~~  
 45 ~~roster. The inspector or other election officer shall ascertain if the name~~

1 of the voter appears on the precinct register, and, if so, the voter will be  
2 given a ballot on the stub of which shall be written the initials of the  
3 election officer delivering the ballot and the register number of the voter.

4 2. The voter shall retire to a booth provided for voting and in such  
5 booth mark or punch his ballot. He will mark or punch his ballot opposite  
6 the name of each candidate whose name is printed on the ballot for whom he  
7 desires to vote.

8 3. If the voter desires to vote for any person whose name is not  
9 printed on the ballot, he shall write the name of such person on the blank  
10 lines printed on the ballot, except that when a write-in ballot envelope is  
11 provided for such purpose he shall write the name and title of office of such  
12 person.

13 4. If the voter by reason of infirmity, or for any reason, is  
14 physically unable to mark his ballot, he may obtain the assistance of two  
15 election officers of opposite political parties in marking or punching the  
16 ballot. When a voter, for any such reason, requests assistance in marking  
17 or punching his ballot, two election officers, not of the same political  
18 party, shall accompany him to the booth and there distinctly state to him the  
19 names of the several candidates for each office, and the political parties  
20 by which they were nominated, and shall ask the voter for which candidate he  
21 desires to vote, and shall mark or punch his ballot correctly. Neither of  
22 the election officers shall in any way attempt to influence the voter in his  
23 choice of candidates, nor in any manner suggest or recommend that he vote for  
24 any particular candidate, or for the candidate of any political party.

25 5. If a voter accidentally spoils his ballot, he shall present the  
26 ballot concealing any marks thereon to the judge having charge of the  
27 ballots, who shall mark the ballot spoiled and deliver to the voter another  
28 ballot. This process may be repeated until the voter has received three  
29 ballots, but no more. All spoiled ballots shall be returned with official  
30 returns of the election.

31 6. If the name of the voter does not appear on the precinct register,  
32 the voter shall be allowed to vote a ballot to be verified on presentation  
33 of identification verifying his identity that includes the voter's given name  
34 and surname and the complete residence address that is verified by the  
35 election board to be in the precinct.

36 7. If a voter has moved to a new address within the county and has not  
37 corrected his voting record with the county recorder, the voter shall be  
38 permitted to vote a "new residence" ballot to be verified if the voter does  
39 both of the following:

40 (a) Presents identification that includes the voter's given name and  
41 surname and a physical location of a residence address that is in the  
42 precinct where the voter is attempting to vote.

43 (b) Affirms in writing that the voter's new residence is located in  
44 that precinct.

1       ~~8. When a voter is allowed to vote any ballot to be verified the~~  
2 ~~election officer shall enter the voter's name on a separate signature roster~~  
3 ~~page at the end of the signature roster and the voter shall sign in the space~~  
4 ~~provided. Voters' names shall be numbered consecutively beginning with the~~  
5 ~~number V-1. The voter shall be given a ballot on the stub of which shall be~~  
6 ~~written the initials of the election officer delivering the ballot and the~~  
7 ~~registration number of the voter, if available. After the voter has voted,~~  
8 ~~the election officer shall place the ballot in a separate envelope, the~~  
9 ~~outside of which shall contain the precinct name or number, the signature of~~  
10 ~~the voter and the voter registration number of the voter, if available.~~

11       ~~8. The board of supervisors shall furnish to the inspector in each~~  
12 ~~election precinct at least two instruction cards, at the time and in the same~~  
13 ~~manner as the printed ballots are furnished.~~

14       Sec. 13. Section 16-513.01, Arizona Revised Statutes, is amended  
15 effective from and after November 30, 2003, to read:

16       16-513.01. Right to vote a provisional ballot; notice

17       The board of supervisors or other officer in charge of elections shall  
18 furnish to the inspector in each election precinct at least two "Right to  
19 vote a PROVISIONAL ballot to be verified" notices at the time and in the same  
20 manner as the printed ballots are furnished. The "Right to vote a  
21 PROVISIONAL ballot to be verified" notice shall contain the following: BE AS  
22 PRESCRIBED BY THE SECRETARY OF STATE'S PROCEDURES MANUAL.

23       ~~Right to Vote a Ballot to be Verified~~

24       ~~If you believe you are a registered voter of this precinct~~  
25 ~~or if you are currently registered in this county and you have~~  
26 ~~moved into this precinct and have not notified the county~~  
27 ~~recorder of the change in your residence address and you reside~~  
28 ~~in the precinct but your name does not appear on the precinct~~  
29 ~~register, you have the right to vote a ballot to be~~  
30 ~~verified. Speak to the election officer in charge of the~~  
31 ~~signature roster for further details. You must be prepared to~~  
32 ~~show identification.~~

33       Sec. 14. Section 16-542, Arizona Revised Statutes, is amended  
34 effective from and after November 30, 2003, to read:

35       16-542. Request for ballot

36       A. Within ninety days next preceding the Saturday before any election  
37 called pursuant to the laws of this state, an elector may make a verbal or  
38 signed request to the county recorder, or other officer in charge of  
39 elections for the applicable political subdivision of this state in whose  
40 jurisdiction the elector is registered to vote, for an official early  
41 ballot. In addition to name and address, the requesting elector shall  
42 provide the date of birth and state or country of birth or other information  
43 that if compared to the voter registration information on file would confirm  
44 the identity of the elector. If the request indicates that the elector needs  
45 a primary election ballot and a general election ballot, the county recorder

1 or other officer in charge of elections shall honor the request. For any  
2 partisan primary election, if the elector is not registered as a member of  
3 a political party that is entitled to continued representation on the ballot  
4 pursuant to section 16-804, the elector shall designate the ballot of only  
5 one of the political parties that is entitled to continued representation on  
6 the ballot and the elector may receive and vote the ballot of only that one  
7 political party. The county recorder may establish on-site early voting  
8 locations at the recorder's office or any other locations in the county the  
9 recorder deems necessary.

10 B. Notwithstanding subsection A of this section, a request for an  
11 official early ballot from an absent uniformed services voter or overseas  
12 voter as defined in the uniformed and overseas citizens absentee voting act  
13 of 1986 (P.L. 99-410; 42 United States Code section 1973) that is received  
14 by the county recorder or other officer in charge of elections more than  
15 ninety days next preceding the Saturday before the election is valid. IF  
16 REQUESTED BY THE ABSENT UNIFORMED SERVICES OR OVERSEAS VOTER, THE COUNTY  
17 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE TO THE  
18 REQUESTING VOTER EARLY BALLOT MATERIALS THROUGH THE NEXT TWO REGULARLY  
19 SCHEDULED GENERAL ELECTIONS FOR FEDERAL OFFICE IMMEDIATELY FOLLOWING RECEIPT  
20 OF THE REQUEST.

21 C. The COUNTY recorder or other officer in charge of elections shall  
22 mail postage prepaid to the address provided by the requesting elector, which  
23 address shall be the elector's residence address or the location where the  
24 elector is temporarily residing while absent from the precinct, the early  
25 ballot and the envelope for its return within five days after receipt of the  
26 official early ballots from the officer charged by law with the duty of  
27 preparing ballots pursuant to section 16-545. IF A STATEWIDE VOTER  
28 REGISTRATION DATABASE IS NOT YET OPERATIONAL AND IF THE REQUESTING ELECTOR  
29 REGISTERED TO VOTE FOR THE FIRST TIME IN THIS STATE AFTER JANUARY 1, 2003 AND  
30 HAS NOT YET VOTED IN THIS STATE OR IS REREGISTERING AFTER JANUARY 1, 2003  
31 AFTER MOVING FROM ONE COUNTY IN THIS STATE TO ANOTHER COUNTY IN THIS STATE  
32 AND IS VOTING FOR THE FIRST TIME AT THE NEW REGISTRATION ADDRESS, THE EARLY  
33 BALLOT MATERIALS SHALL INCLUDE NOTICE THAT THE PERSON SHALL SUBMIT A  
34 PHOTOCOPY OF A CURRENT FORM OF IDENTIFICATION THAT BEARS A PHOTOGRAPH OF THE  
35 PERSON AND THE NAME OF THE PERSON OR A PHOTOCOPY OF A CURRENT UTILITY BILL,  
36 BANK STATEMENT, PAYCHECK, GOVERNMENT ISSUED CHECK OR OTHER GOVERNMENT  
37 DOCUMENT THAT SHOWS THE NAME AND REGISTRATION ADDRESS OF THE PERSON AND  
38 NOTICE THAT IF THE PERSON DOES NOT SUBMIT PHOTOCOPIES OF THE REQUIRED  
39 DOCUMENTS, THE PERSON MAY ONLY VOTE A PROVISIONAL BALLOT.

40 D. Only the elector may be in possession of that elector's unvoted  
41 early ballot. If the request is made by the elector within thirty days next  
42 preceding the Saturday before the election, such mailing must be made within  
43 forty-eight hours after receipt of the request. Saturdays, Sundays and other  
44 legal holidays are excluded from the computation of the forty-eight hour  
45 period prescribed by this subsection. If the request is made by an absent



1 uniformed services voter or an overseas voter more than ninety days next  
2 preceding the Saturday before the election, the mailing shall be made within  
3 twenty-four hours after the early ballots are delivered pursuant to section  
4 16-545, subsection B, excluding Sundays.

5 ~~D.~~ E. In order to receive an early ballot by mail, an elector's  
6 request that an early ballot be mailed to the elector's residence or  
7 temporary address must be received by the county recorder or other officer  
8 in charge of elections no later than 5:00 p.m. on the eleventh day preceding  
9 the election. An elector who appears personally no later than 5:00 p.m. on  
10 the Friday preceding the election at an on-site early voting location that  
11 is established by the county recorder or other officer in charge of elections  
12 shall be given a ballot and permitted to vote at the on-site location.

13 ~~E.~~ F. The county recorder or other officer in charge of early  
14 balloting shall provide an alphabetized list of all voters in the precinct  
15 who have requested and have been sent an early ballot to the election board  
16 of the precinct in which the voter is registered not later than the day prior  
17 to the election.

18 ~~F.~~ G. As a result of an emergency occurring between 5:00 p.m. on the  
19 second Friday preceding the election and 5:00 p.m. on the Monday preceding  
20 the election, qualified electors may request to vote early in the manner  
21 prescribed by the county recorder of their respective county. For purposes  
22 of this subsection, "emergency" means any unforeseen circumstances which  
23 would prevent the elector from voting at the polls.

24 ~~G.~~ H. A candidate or political committee may distribute early ballot  
25 request forms to voters. If the early ballot request forms include a printed  
26 address for return to an addressee other than a political subdivision, the  
27 addressee shall be the candidate or political committee that paid for the  
28 printing and distribution of the request forms. All early ballot request  
29 forms that are received by a candidate or political committee shall be  
30 transmitted as soon as practicable to the political subdivision that will  
31 conduct the election.

32 Sec. 15. Section 16-543, Arizona Revised Statutes, is amended  
33 effective from and after November 30, 2003, to read:

34 16-543. Application for ballot; United States service

35 Any absent uniformed services voter or overseas voter as defined in the  
36 uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42  
37 United States Code section 1973) may request an early ballot with a federal  
38 postcard application that contains both an early voter registration  
39 application and an early ballot application. THE SECRETARY OF STATE SHALL  
40 PROVIDE FOR A CENTRALIZED SYSTEM FOR RECEIVING FEDERAL POSTCARD APPLICATIONS  
41 BY WAY OF THE INTERNET OR FACSIMILE AND SHALL PROVIDE FOR TRANSMITTING  
42 APPROPRIATE BALLOT MATERIALS IN RESPONSE TO FACSIMILE, TELEPHONE AND INTERNET  
43 REQUESTS FOR FEDERAL POSTCARD APPLICATIONS. ~~Upon~~ ON receipt of such  
44 application, the county recorder or other officer in charge of elections  
45 shall determine whether or not the elector is registered. If the applicant

1 is so registered, the recorder or other officer in charge of elections shall  
2 forward to him THE APPLICANT an official early ballot. If the applicant is  
3 not registered, and the request is for a ballot for use in a county election  
4 but the federal postcard application is complete, the recorder shall forward  
5 an official early ballot to the applicant. If the applicant is not  
6 registered to vote and the federal postcard application is not used or  
7 complete, the recorder shall forward an affidavit of registration as provided  
8 in section 16-103 and shall at the same time forward to the unregistered  
9 applicant an official early ballot and affidavit.

10 Sec. 16. Section 16-549, Arizona Revised Statutes, is amended  
11 effective from and after November 30, 2003, to read:

12 16-549. Special election boards; procedure for voting ill or  
13 disabled electors; expenses

14 A. The county recorder or other officer in charge of elections, for  
15 the purpose of making it possible for qualified electors who are ill or  
16 disabled to vote, may appoint such number of special election boards as  
17 needed. In a partisan election, each such board shall consist of two  
18 members, one from each of the two political parties which cast the highest  
19 number of votes in the state in the last preceding general election. The  
20 county chairman of each such party shall furnish, within sixty days prior to  
21 the election day, the county recorder or other officer in charge of elections  
22 with a list of names of qualified electors within his THE CHAIRMAN'S  
23 political party, and such additional lists as may be required, from which the  
24 county recorder or other officer in charge of elections shall appoint members  
25 to such special election boards. The county recorder or other officer in  
26 charge of elections may refuse for cause to appoint or may for cause remove  
27 a member of this board. A person who is a candidate for an office other than  
28 precinct committeeman is not eligible to serve on the special election board  
29 for that election.

30 B. Members of special election boards appointed under the provisions  
31 of this section shall be reimbursed for travel expenses in the manner  
32 provided by law and shall also receive such compensation as the board of  
33 supervisors or the governing body prescribes, all of which shall be paid by  
34 the county or other political subdivision.

35 C. In lieu of the mailed early ballot procedure, any qualified elector  
36 who is confined as the result of a continuing illness or physical disability  
37 and is, therefore, not able to go to the polls on the day of the next  
38 election and who does not wish to vote by the mailed early ballot procedure,  
39 may make a verbal or a signed written request to the county recorder or other  
40 officer in charge of elections to have a ballot personally delivered to him  
41 THE ELECTOR by the special election board at his THE ELECTOR'S place of  
42 confinement within the county or other political subdivision. The ballot  
43 shall be delivered to him THE ELECTOR in person by a special election board  
44 as provided in this section. Such requests must be made by 5:00 p.m. on the  
45 second Friday before the election.

D. Qualified electors who become ill or disabled after the second Friday before the election may nevertheless request personal ballot delivery pursuant to this section, and the county recorder or other officer in charge of elections shall when possible honor such requests up to and including the last day before the election. Qualified electors who are admitted to a hospital after 5:00 p.m. on the second Friday preceding the election and before 5:00 p.m. on election day may request the county recorder or other officer in charge of elections to provide a special election board with a ballot at the elector's place of confinement. If the county recorder or other officer in charge of elections is able to accommodate the request, the voted ballot of the elector shall be sealed in an envelope and shall be processed as a PROVISIONAL ballot ~~to be verified~~ pursuant to section 16-584.

E. The manner and procedure of voting shall be as provided in section 16-548, except that the marked ballot in the sealed envelope shall be handed by the elector to the special election board and shall be delivered by the board to the county recorder or other officer in charge of elections.

Sec. 17. Section 16-563, Arizona Revised Statutes, is amended effective from and after November 30, 2003, to read:

16-563. Posting sample ballots, instruction cards and notice to voters before opening polls

Before opening the polls the inspector of election shall direct the following postings:

1. One of the sample ballots provided for in section 16-510, one of the cards of instructions provided for in section 16-513 and one of the "Right to vote a PROVISIONAL ballot ~~to be verified~~" notices provided for in section 16-513.01 in plain view in the room where the ballots are cast. At least one other sample ballot, card of instruction and "Right to vote a PROVISIONAL ballot ~~to be verified~~" notice shall be posted in a conspicuous place in and around the polling place.

2. Three seventy-five foot limit notices approximately seventy-five feet in different directions from the main outside entrance being used by voters to enter the building in which the election is being held.

3. In each voting booth, a notice to voters provided in section 16-514 at general elections only.

Sec. 18. Section 16-579, Arizona Revised Statutes, is amended effective from and after November 30, 2003, to read:

16-579. Procedure for obtaining ballot by elector

A. Every qualified elector, before receiving his A ballot, shall announce his THE ELECTOR'S name and place of residence in a clear, audible tone of voice to the election official in charge of the signature roster or present his THE ELECTOR'S name and residence in writing. If the name is found upon the precinct register by the election officer having charge thereof, or the qualified elector presents a certificate from the county recorder showing that he is entitled by law to vote in the precinct, the

1 election official in charge of the signature roster shall repeat the name and  
2 the qualified elector shall be allowed within the voting area.

3 B. IF A STATEWIDE VOTER REGISTRATION DATABASE IS NOT YET OPERATIONAL,  
4 FOR ANY PERSON WHO HAS REGISTERED TO VOTE BY MAIL FOR THE FIRST TIME IN THIS  
5 STATE AFTER JANUARY 1, 2003 OR WHO IS REREGISTERING BY MAIL AFTER JANUARY 1,  
6 2003 AFTER MOVING FROM ONE COUNTY TO ANOTHER COUNTY IN THIS STATE, THE PERSON  
7 SHALL COMPLY WITH THE FOLLOWING IN ORDER TO BE ISSUED A BALLOT:

8 1. THE PERSON SHALL PRESENT EITHER ONE OF THE FOLLOWING:

9 (a) A CURRENT FORM OF IDENTIFICATION THAT BEARS A PHOTOGRAPH OF THE  
10 PERSON AND THE NAME OF THE PERSON.

11 (b) A CURRENT UTILITY BILL, BANK STATEMENT, PAYCHECK, GOVERNMENT  
12 ISSUED CHECK OR OTHER GOVERNMENT DOCUMENT THAT SHOWS THE NAME AND  
13 REGISTRATION ADDRESS OF THE PERSON.

14 2. IF THE PERSON DOES NOT PRESENT A DOCUMENT THAT COMPLIES WITH  
15 PARAGRAPH 1, THE PERSON IS ONLY ELIGIBLE TO VOTE A PROVISIONAL BALLOT AS  
16 PRESCRIBED BY SECTION 16-584.

17 3. THIS SUBSECTION DOES NOT APPLY AND A PERSON MAY BE ISSUED A BALLOT  
18 IF THE PERSON IS LISTED AS HAVING PRESENTED A DOCUMENT THAT COMPLIES WITH  
19 PARAGRAPH 1 AT THE TIME THE PERSON REGISTERED TO VOTE OR IF A STATEWIDE VOTER  
20 REGISTRATION DATABASE IS OPERATIONAL.

21 ~~B.~~ C. Any qualified elector who is listed as having applied for an  
22 early ballot but who states that he has not voted and will not vote an early  
23 ballot for this election or surrenders the early ballot to the precinct  
24 inspector on election day shall be allowed to vote pursuant to the procedure  
25 set forth in section 16-584.

26 ~~C.~~ D. Each qualified elector's name shall be numbered consecutively  
27 by the clerks, with the number upon the stub of the ballot delivered to him  
28 THE ELECTOR, and in the order of applications for ballots. The election  
29 judge having charge of the ballots shall also write his THE ELECTOR'S  
30 initials upon the stub and the number of the qualified elector as it appears  
31 upon the precinct register. The judge shall give the qualified elector only  
32 one ballot, and his THE ELECTOR'S name shall be immediately checked on the  
33 precinct register.

34 ~~D.~~ E. Each qualified elector shall sign his THE ELECTOR'S name in the  
35 signature roster prior to receiving his A ballot, but an inspector or judge  
36 may sign the roster for an elector who is unable to sign because of physical  
37 disability, and in that event the name of the elector shall be written with  
38 red ink, and no attestation or other proof shall be necessary. The  
39 provisions of this subsection relating to signing the signature roster shall  
40 not apply to electors casting a ballot using early voting procedures.

41 ~~E.~~ F. A person offering to vote at a special district election for  
42 which no special district register has been supplied shall sign an affidavit  
43 stating his address and that he resides within the district boundaries or  
44 proposed district boundaries and swearing that he is a qualified elector and  
45 has not already voted at the election being held.

1       Sec. 19. Section 16-584, Arizona Revised Statutes, is amended  
2 effective from and after November 30, 2003, to read:

3       16-584. Qualified elector not on precinct register; recorder's  
4               certificate; verified ballot; procedure

5       A. A qualified elector whose name is not on the precinct register and  
6 who presents a certificate from the county recorder showing that he is  
7 entitled by law to vote in the precinct shall be entered on the signature  
8 roster on the blank following the last printed name and shall be given the  
9 next consecutive register number, and the qualified elector shall sign in the  
10 space provided.

11       B. A qualified elector whose name is not on the precinct register,  
12 upon presentation of identification verifying the identity of the elector  
13 that includes the voter's given name and surname and the complete residence  
14 address that is verified by the election board to be in the precinct OR ON  
15 SIGNING AN AFFIRMATION THAT STATES THAT THE ELECTOR IS A REGISTERED VOTER IN  
16 THAT JURISDICTION AND IS ELIGIBLE TO VOTE IN THAT JURISDICTION, shall be  
17 allowed to vote A PROVISIONAL BALLOT.

18       C. If a voter has moved to a new address within the county and has not  
19 notified the county recorder of the change of address before the date of an  
20 election, the voter shall be permitted to correct the voting records for  
21 purposes of voting in future elections at the appropriate polling place for  
22 the voter's new address. The voter shall be permitted to vote a "new  
23 residence PROVISIONAL ballot" ~~to be verified~~. The voter shall present a form  
24 of identification that includes the voter's given name and surname and the  
25 voter's complete residence address. The residence address must be within the  
26 precinct in which the voter is attempting to vote, and the voter shall affirm  
27 that in writing THAT THE VOTER IS REGISTERED IN THAT JURISDICTION AND IS  
28 ELIGIBLE TO VOTE IN THAT JURISDICTION.

29       D. On completion of the ballot, the election official shall remove the  
30 ballot stub, shall place the ballot in a ~~"PROVISIONAL ballot to be verified"~~  
31 envelope and shall deposit the envelope in the ballot box. Within five  
32 business days after the election or no later than the time at which  
33 challenged early voting ballots are resolved, the signature shall be compared  
34 to the precinct signature roster of the former precinct where the voter was  
35 registered. If the voter's name is not signed on the roster and if there is  
36 no indication that the voter voted an early ballot, the PROVISIONAL ballot  
37 ~~to be verified~~ envelope shall be opened and the ballot shall be counted. If  
38 there is information showing the person did vote, the PROVISIONAL ballot ~~to~~  
39 ~~be verified~~ shall remain unopened and shall not be counted. When PROVISIONAL  
40 ballots ~~to be verified~~ are confirmed for counting, the county recorder shall  
41 use the information supplied on the ~~new residence~~ PROVISIONAL ballot ~~to be~~  
42 ~~verified~~ envelope to correct the address record of the voter.

43       E. When a voter is allowed to vote a PROVISIONAL ballot ~~to be~~  
44 ~~verified~~, the elector's name shall be entered on a separate signature roster  
45 page at the end of the signature roster. Voters' names shall be numbered

consecutively beginning with the number V-1. The elector shall sign in the space provided. The ballot stub shall be removed and the ballot shall be placed in a separate envelope, the outside of which shall contain the precinct name or number, a sworn or attested statement of the elector that the elector resides in the precinct, is eligible to vote in the election and has not previously voted in the election, the signature of the elector and voter registration number of the elector, if available. Such ballot shall be verified for proper registration of the elector by the county recorder before being counted. Such verification shall be made by the county recorder within five business days following the election, and the voter receipt card, notification or identification card, if any, from the county recorder used therefor, if valid, shall be returned to the elector within a reasonable time thereafter. Verified ballots shall be counted by depositing the ballot in the ballot box and showing on the records of the election that the elector has voted. If registration is not verified the ballot shall remain unopened and shall be retained in the same manner as voted ballots.

F. FOR ANY PERSON WHO VOTES A PROVISIONAL BALLOT, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE FOR A METHOD OF NOTIFYING THE PROVISIONAL BALLOT VOTER AT NO COST TO THE VOTER WHETHER THE VOTER'S BALLOT WAS VERIFIED AND COUNTED AND, IF NOT COUNTED, THE REASON FOR NOT COUNTING THE BALLOT. THE NOTIFICATION MAY BE IN THE FORM OF NOTICE BY MAIL TO THE VOTER, ESTABLISHMENT OF A TOLL FREE TELEPHONE NUMBER, INTERNET ACCESS OR OTHER SIMILAR METHOD TO ALLOW THE VOTER TO HAVE ACCESS TO THIS INFORMATION. THE METHOD OF NOTIFICATION SHALL PROVIDE REASONABLE RESTRICTIONS THAT ARE DESIGNED TO LIMIT TRANSMITTAL OF THE INFORMATION ONLY TO THE VOTER.

Sec. 20. Section 41-129, Arizona Revised Statutes, as added by Laws 2003, chapter 95, section 1, is amended to read:

41-129. Election systems improvement fund; purpose

A. The election systems improvement fund is established in the office of the secretary of state. The fund shall consist of monies received from the United States government, matching monies from state, county or local governments, legislative appropriations, gifts, grants and donations.

B. The secretary of state shall administer the fund. Any monies deposited into the fund in fiscal years 2002-2003 and 2003-2004 are appropriated to the secretary of state AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS. MONIES DEPOSITED IN THE FUND EACH SUBSEQUENT FISCAL YEAR ARE SUBJECT TO LEGISLATIVE APPROPRIATION AND SUCH APPROPRIATIONS ARE SUBJECT TO THE LAPSING PROVISIONS OF SECTION 35-190. MONIES IN THE FUND DO NOT REVERT TO THE STATE GENERAL FUND OR ANY OTHER FUNDING SOURCE AT THE END OF THE FISCAL YEAR. The state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

1 C. Within thirty days after any expenditure of monies from the fund,  
2 the secretary of state shall submit to the joint legislative budget committee  
3 a summary of the total expenditure plan for the fund.

4 D. Monies in the fund shall be used to implement the provisions of the  
5 help America vote act, OF 2002 (P.L. 107-252).

6 Sec. 21. Secretary of state; state plan for implementation of  
7 the help America vote act of 2002

8 A. The secretary of state shall develop a state plan for  
9 implementation and compliance with the provisions of the help America vote  
10 act of 2002 (P.L. 107-252). The plan shall include provisions for at least  
11 the following:

- 12 1. Use of federal monies.
- 13 2. Distribution and monitoring the distribution of the monies to  
14 county, city and town and other local governments as appropriate.
- 15 3. Voter education and poll worker training.
- 16 4. Adoption of voting system guidelines that are consistent with  
17 federal requirements.
- 18 5. Establishment of a fund to receive federal monies.
- 19 6. Description of the state's budget for activities under the plan.
- 20 7. Maintaining the state's expenditure level so that it is no less  
21 than the state's expenditure level for the fiscal year that ended immediately  
22 before November, 2002.
- 23 8. Establishment of performance measures to determine success for the  
24 state and for other entities that carry out the plan.
- 25 9. Establishment of a uniform, nondiscriminatory state administrative  
26 procedure for complaints regarding implementation of federal requirements.
- 27 10. Use of any federal monies described as "early out" monies in the  
28 help America vote act of 2002, including the impact of those monies on the  
29 plan.
- 30 11. Establishment of ongoing management of the plan.
- 31 12. Description of the membership of the committee that drafted the  
32 plan and the public process used in drafting the plan.

33 B. The secretary of state shall file the plan with the election  
34 assistance commission established pursuant to the help America vote act of  
35 2002.

36 Sec. 22. Acquisition of voting technology, training and related  
37 services and equipment

38 A. Title 41, chapter 32, Arizona Revised Statutes, does not apply to  
39 the acquisition of voting technology, training and related services and  
40 equipment intended for compliance with the help America vote act of 2002  
41 (P.L. 107-252).

1 B. The department of administration shall complete the acquisition of  
2 voting technology, training and related services and equipment intended for  
3 compliance with the help America vote act of 2002 taking into account the  
4 January 1, 2004 deadlines for completion of a computerized statewide voter  
5 registration database, compliance with provisional voting requirements and  
6 compliance with the 2004 punchcard equipment replacement deadline. The  
7 department of administration shall complete the acquisition as soon as is  
8 practicable after taking into consideration the following significant  
9 elements in preparation for the use of new equipment and services:

10 1. Installation or expansion of network systems among the fifteen  
11 counties and a centralized voter registration database.

12 2. Preclearance, including preclearance of ballot forms and envelopes,  
13 by the United States department of justice of any new procedures and  
14 legislation including any new voting system.

15 3. Installation of hardware and software to manage a centralized voter  
16 registration database for each county and at a central site.

17 4. County requirements for storage of new equipment and supplies.

18 5. Transfer of current voter registration information to the statewide  
19 registration database.

20 6. Training for county recorders and election staff, including poll  
21 workers.

22 7. Testing and quality assurance for equipment and systems, including  
23 mirrored system runs and statutorily required logic and accuracy testing.

24 8. Candidate filing deadlines, ballot order determination and ballot  
25 printing deadlines.

26 9. Requirements for counties that use vendors for certain election  
27 services.

28 10. Receipt and installation of new systems and equipment.

29 11. Requirements for counties to modify telephone reporting systems and  
30 polling place telephone lines.

31 12. Additional voter education efforts including Native American  
32 outreach.

33 13. Early voting deadlines including deadlines for uniformed and  
34 overseas citizens voting.

35 Sec. 23. Conditional retroactivity

36 If the emergency clause of this act is not enacted, section 22 of this  
37 act, relating to the acquisition of voting technology, training and related  
38 services and equipment, is effective retroactively to May 1, 2003.

39 Sec. 24. Emergency

40 This act is an emergency measure that is necessary to preserve the  
41 public peace, health or safety and is operative immediately as provided by  
42 law.

APPROVED BY THE GOVERNOR JUNE 11, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 11, 2003.



Passed the House June 4, 2003,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting  
*with emergency*

[Signature]  
Speaker of the House  
*Pro Tempore*

[Signature]  
Chief Clerk of the House

Passed the Senate March 3, 2003,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting  
*with emergency*

[Signature]  
President of the Senate

[Signature]  
Asst. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

S.B. 1075

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS  
AND FINAL PASSAGE

Passed the Senate June 5, 2003

by the following vote: 27 Ayes,

1 Nays, 2 Not Voting  
Klu Blumett with Emergency  
President of the Senate  
Charmine B. Dignard  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5 day of June, 2003

at 11:30 o'clock A M.

Sandra Hamirel  
Secretary to the Governor

Approved this 11 day of

June, 2003,

at 7:50 o'clock A M.

Jon R. Ricketts  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11 day of June, 2003

at 1:10 o'clock P M.

Janice K. Brewer  
Secretary of State

S.B. 1075